



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

David J. Kritz
Norfolk Southern Corporation
Three Commercial Pl.
Norfolk, VA 23510

JUL 10 2018

RE: MURs 7078 and 7084

Dear Mr. Kritz:

On June 15, 2016, the Federal Election Commission (the "Commission") notified you of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. On June 28, 2018, the Commission found that there is no reason to believe that Norfolk Southern Corporation violated 52 U.S.C. § 30119(a)(1). Accordingly, the Commission closed its file in this matter.

Documents related to the case will be placed on the public record within 30 days. *See* Disclosure of Certain Documents in Enforcement and Other Matters, 81 Fed. Reg. 50,702 (Aug. 2, 2016). The Factual and Legal Analysis, which explains the Commission's finding, is enclosed for your information.

If you have any questions, please contact me at (202) 694-1650.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Shonkwiler", with a long horizontal line extending to the right.

Mark Shonkwiler
Assistant General Counsel

Enclosure
Factual and Legal Analysis

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: Stephen Baggs MUR: 7084
Systems Technology Forum, Ltd.
Thomas Bates
RK Chevrolet, Buick, Subaru, Inc.
Darek Dabbs
Sera-Brynn LLC
Eric Kimble
Kimble Companies/Penn-Ohio Coal Co.
Ronald Kramer
Kramer Management Enterprises, Inc.
Shawn Kuhle
Turner Strategic Technologies
Tactical Defense Solutions LLC
William W. Lee, Jr.
National Research Group, LLC
Bob Miller
Miller-Stephenson & Associates, P.C.
David H. Mutzabaugh
ThunderCat Technology, LLC
Richard D. Roberts
Norfolk Southern Corporation
Eric Sisco
Virginia International Gateway, Inc.

I. INTRODUCTION

This matter was generated by a Complaint filed with the Federal Election Commission by Lisa Clarkson. The Complaint alleges multiple federal contractors violated the Federal Election Campaign Act of 1971, as amended (the "Act") and Commission regulations, by contributing to Scott Taylor for Congress (the "Committee"). For the reasons set forth below, the Commission finds no reason to believe that the alleged federal contractors violated the Act or regulations.

1 **II. FACTUAL AND LEGAL ANALYSIS**

2 Scott Taylor was a Member of the Virginia House of Delegates, and ran for Congress in
3 Virginia's Second District in 2010 and 2016.¹ The Complaint alleges multiple federal
4 contractors contributed to Taylor's congressional committee.²

5 Federal contractors may not make contributions to political committees, and a Committee
6 may not knowingly solicit donations from federal contractors.³ This prohibition does not apply
7 to individual employees of a federal contractor who are not themselves contractors.⁴ Employees
8 of federal contractors may contribute to federal political committees using personal funds.⁵

9 The Committee alleges that the contributors identified by the Complaint are employees of
10 federal contractors, not contractors themselves, and may contribute. Nearly all of the named
11 contributors submitted responses affirming that they are not contractors, and that the funds used
12 were personal and not directed by a contractor firm. One contributor did not respond, but the
13 Commission has no information indicating that he is a federal contractor. The Commission
14 therefore finds no reason to believe that the individuals named in the Complaint are federal
15 contractors, and no reason to believe that they violated 52 U.S.C. § 30119(a)(1).

¹ Taylor lost the Republican Primary in 2010, and won election to Congress in 2016.

² Compl. at II (June 14, 2016).

³ 52 U.S.C. § 30119(a)(1)-(2); 11 C.F.R. § 115.2.

⁴ 11 C.F.R. § 115.6.

⁵ *Id.* Additionally, if a sole proprietorship is a federal contractor, the owner of that entity may not donate to federal campaigns using business, personal or other funds. *Id.* § 115.5.